

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sherrie Johnson,

Plaintiff

v.

Clark County School District,

Defendant

Case No.: 2:14-cv-2213-JAD-VCF

**Order Adopting Report and
Recommendation [Doc. 13], Striking
Plaintiff's Amended Complaint [Doc.
7], and Dismissing Plaintiff's Race and
Disability Discrimination Claims**

Pro se plaintiff Sherrie Johnson sued the Clark County School District for, *inter alia*, alleged race and disability discrimination under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*¹ After screening her complaint, Magistrate Judge Ferenbach concluded that Johnson had failed to state a claim for either race or disability discrimination, and directed her to file an amended complaint to cure these deficiencies.² Johnson amended her complaint as requested and Magistrate Judge Ferenbach recommends that I strike the amended complaint because Johnson did not cure the defects outlined in the screening order and dismiss Johnson's race- and disability-discrimination claims with prejudice, and permit her case to proceed only on plaintiff's retaliation, age-discrimination, and religious-discrimination claims in the original complaint.

Johnson filed a one-page "objection" that states, in its entirety, "In all do respect Dear Judge I Sherrie Johnson object to the race discrimination claim."³ Clark County filed no response.

When a party files specific written objections to a United States magistrate judge's findings and recommendations,⁴ the district court must make a *de novo* determination of those portions of the

¹ Doc. 4.

² Doc. 5.

³ Doc. 14 at 1.

⁴ 28 U.S.C. § 636(b); D. Nev R. IB 3-2.

1 report to which objections are made.⁵ The court may accept, reject, or modify, in whole or in part,
 2 the magistrate judge's findings and recommendations.⁶ The standard of review for the unobjected-to
 3 portions of the report and recommendation is left to the district judge's discretion.⁷ Moreover, "no
 4 review is required of a magistrate judge's report and recommendation unless objections are filed,"⁸
 5 and this district's Local Rule IB 3-2(b) requires *de novo* consideration of specific objections only.⁹

6 Johnson's one-line objection to the "race discrimination claim" is unduly oblique and
 7 requires no consideration, as she offers no basis for her disagreement with Magistrate Judge
 8 Ferenbach's recommendation. Having reviewed Johnson's original and amended complaint, and
 9 agree with Magistrate Judge Ferenbach that Johnson has not stated a cognizable race-discrimination
 10 claim.

11 Despite the fact that Magistrate Judge Ferenbach clearly explained the legal deficiencies in
 12 her original race-discrimination claim and gave her an opportunity to correct it,¹⁰ Johnson did not
 13 allege, for exmple, how Clark County treated similarly situated employees outside of Johnson's
 14 protected class more favorably than her.¹¹

17 ⁵ *Id.*

18 ⁶ *Id.*

19 ⁷ *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121-22 (9th Cir. 2003) (a "district judge
 20 must review the magistrate judge's findings and recommendations *de novo* if objection is made, but
 21 not otherwise.") (emphasis in original).

22 ⁸ *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003). *See also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

23 ⁹ *Id.*; *United States v. Burkey*, 2009 WL 1616564, at *2 (D. Nev. June 8, 2009) (finding that
 24 defendant did not specifically object to magistrate judge's recommendation denying motion to
 25 dismiss criminal indictment, where defendant "copied and posted his Motion to Dismiss and recast it
 as Objections."); *cf. Carrillo v. Cate*, 2009 WL 2575888, at *1 (S.D. Cal. Aug. 17, 2009) (citing
Burkey, and nothing that "generalized objections" do not require *de novo* review).

26 ¹⁰ Doc. 3 at 6.

27 ¹¹ *See* Doc. 7.

Conclusion

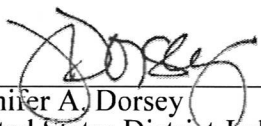
Accordingly, and with good cause appearing,

It is hereby ORDERED that Magistrate Judge Ferenbach's report and recommendation [Doc. 13] is **ADOPTED** in its entirety and Johnson's objections [Doc. 14] are overruled.

It is FURTHER ORDERED Johnson's race- and disability-discrimination claims are **DISMISSED** with prejudice.

It is FURTHER ORDERED that Johnson's amended complaint [Doc. 7] is **STRICKEN**. This case proceeds only on plaintiff's retaliation, age-discrimination, and religious-discrimination claims as stated in the original complaint.

DATED June 1, 2015.



Jennifer A. Dorsey
United States District Judge